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9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 **JASON J. PAYNE,**

Petitioner,

14
15 v.

16 **JOE MCGRATH, Warden,**

Respondent.
17
18

C 07-4712 JSW (PR)

**APPLICATION FOR
ENLARGEMENT OF TIME
TO FILE ANSWER OR
RESPONSIVE MOTION**

19 For the reasons stated in the accompanying declaration of counsel, respondent hereby
20 requests a 30-day enlargement of time until April 28, 2008, within which to answer the petition for
21 writ of habeas corpus in this case or file any other appropriate motion. As explained in the
22 declaration, counsel for respondent has obtained the state court appellate record and is preparing it
23 for lodging, but has been burdened by earlier-assigned cases. A stipulation has not been sought
24 because petitioner is an incarcerated state prisoner who is representing himself.

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1 WHEREFORE, respondent respectfully requests that this Court grant an extension of time
2 to and including April 28, 2008, in which to file the answer.

3 Dated: March 31, 2007

4 Respectfully submitted,

5 EDMUND G. BROWN JR.
Attorney General of the State of California

6 DANE R. GILLETTE
Chief Assistant Attorney General

7 GERALD A. ENGLER
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11 /s/ Catherine A. Rivlin

12 _____
13 CATHERINE A. RIVLIN
Supervising Deputy Attorney General
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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *Jason J. Payne v. Joe McGrath, Warden*

No.: **C 07-4712 JSW (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 1, 2008, I served the attached:

- 1. APPLICATION FOR ENLARGEMENT OF TIME TO
FILE ANSWER OR RESPONSIVE MOTION;**
- 2. DECLARATION COUNSEL IN SUPPORT OF SUPPORT OF
APPLICATION FOR ENLARGEMENT OF TIME; and 3. ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Jason J. Payne
SPN# V-26575
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95531-7000

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 1, 2008, at San Francisco, California.

J. Espinosa

Declarant

/s/ J. Espinosa

Signature